

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAURA ST. MARTIN,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner
of Social Security,

Defendant.

No. 3:14-CV-05781-RJB-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel (Dkt. 16), Plaintiff's objection (Dkt. 17), Defendant's response (Dkt. 18), and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation (Dkt. 18), including the Commissioner's finding that the awarding Plaintiff benefits without further proceedings under the credit-as-true rule is not supported by the evidence. Dkt. 18, at 5-7. *See Treichler v. Commissioner of Social Sec. Admin.*, 775 F.3d 1090, 1100 (9th Cir. 2014).
- (2) The ALJ erred as described in the Report and Recommendation, by failing: to provide a basis for disregarding a portion of Dr. Hoptowit's medical opinion; to offer clear, convincing evidence, supported by substantial evidence, for discrediting Plaintiff; and to make specific findings necessary to ALJ's conclusion that Plaintiff possessed transferable skills.
- (3) This action is **REVERSED AND REMANDED**.

1 (3) The Clerk is directed to send copies of this Order to the parties and to the Hon.
2 David Christel.

3 **DATED** this 17th day of July, 2015.

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6 ROBERT J. BRYAN
7 United States District Judge
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